

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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JOHN DOE,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:19-cv-05885
	:	
LOUIS DEJOY, POSTMASTER	:	
GENERAL, and the U.S. POSTAL	:	
SERVICE,	:	
Defendants.	:	

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**ORDER**

**AND NOW**, this 4<sup>th</sup> day of November, 2020, upon consideration of USPS's motion to dismiss the Second Amended Complaint, *see* ECF No. 31, and Doe's opposition thereto, and for the reasons set forth in the Opinion issued this date, **IT IS HEREBY ORDERED THAT:**

1. USPS's motion to dismiss, ECF No. 31, is **DENIED**.
2. The parties have until **December 4, 2020**, to engage in discovery solely as to the issue of Doe's actual or constructive notice of the existence of the relevant 45-day limitations period as set forth in 29 C.F.R. § 1614.105(a)(1).
3. By **December 11, 2020**, the parties shall notify the Court in writing as to whether USPS intends to file a motion for summary judgment limited to the issue of Doe's notice of the limitations period. If USPS intends to move for summary judgment on this basis, the parties' joint written submission shall also include a proposed briefing schedule. If USPS does not intend to move for summary judgment, the Court will issue a further Order setting a Rule 16 conference and other deadlines.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge